

United States of America  
v. [Defendant]

JURY SELECTION PROCESS

1. A jury of 12 regular and 4 alternates will be chosen.
2. Each side will have 20 preemptory challenges for the picking of the jury and 4 challenges for the alternatives.
3. A panel of 64 prospective jurors will be created against which each side will exercise 24 challenges.
4. The panel of 64 prospective jurors will be numbered 1 to 64. After the challenges have been exercised the first 12 in order will constitute the jury and next 4 the alternates.
5. Initially approximately 200 prospective jurors will be called to the Courthouse and given a preliminary overview of the case including the fact that it is a capital case to be tried in two parts, etc. They then will fill out a questionnaire and be told to call in the second evening following to see if they are to return the third day following.
6. The next day the parties will review the questionnaires and make challenges for cause based on the answers to the questionnaires that afternoon or early the following morning.
7. The prospective jurors not excused for cause will then come back to the Courthouse and be examined by the Court in a limited way generally. Previously the jury staff will have numbered the questionnaires consecutively and drawn the names in the order in which the prospective jurors are to be individually voir dired.
8. An individual voir dire will then be conducted directed to : (1) Availability for six weeks of service; (2) Racial attitude; (3) Death penalty attitude; and (4) Anything the parties and Court should know. It is anticipated that the individual voir dire should not take longer than ten minutes on the average.

9. Approximately 30 prospective jurors will be examined each morning and each afternoon. This means that once the prospective jurors return to the Courthouse jury selection will take approximately one week.
10. Any challenge for cause must be made immediately following the individual voir dire.
11. As soon as a panel of 64 prospective jurors passed for cause is created the selection process is completed except for the exercise of preemptory challenges.
12. After a reasonable period of time the 64 will be numbered 1-64 and each side will exercise their preemptory challenges in 8 rounds of 3 each as follows:

Round 1	Government	Defendant
2	Defendant	Government
3	Government	Defendant
4	Defendant	Government
5	Government	Defendant
6	Defendant	Government
7	Government	Defendant
8	Defendant	Government

13. Those challenged will be excused at the conclusion of each round. Batson challenges must be made at the conclusion of a round or are waived.

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JURY SELECTION SCHEDULE

**INITIAL SCREENING**

**PHASE I**

Wed - 3/31/95 -	Day 1	200 prospective jurors report to Courthouse to fill out questionnaire. Jurors sworn and initial orientation.
Thurs - 6/1/95 -	Day 2	Questionnaires to be xeroxed and put in order.
Fri- 6/2/95 -	Day 3	Questionnaires given to lawyers for review.
Mon. 6/5/95	Day 4	Lawyers review questionnaires. Lawyers to advise Court by 3:00 p.m. which jurors they <u>AGREE</u> to excuse for cause.
Tues - 6/6/95	Day 5	Lawyers to advise Court which jurors they will challenge for cause - based on questionnaire only. Hearing on challenges for cause based on questionnaire. Prospective jurors that will be returning to courthouse will be drawn and numbered.

## **PHASE II**

5/12/95

Wed – 6/7/95 -	Day 6	All prospective jurors voir dired in morning; divided in groups. 5 groups of 40 jurors per group. First 40 voir dire individually.
Thurs – 6/8/95	Day 7	Continue individual voir dire of Group II.
Fri - 6/9/95	Day 8	Individual voir dire of Group III.
Mon - 6/12/95	Day 9	Continue individual voir dire of Group IV.
Tues – 6/13/95	Day 10	Continue individual voir dire of Group V.
Wed - 6/14/95	Day 11	Should have 64 prospective jurors passed for cause  Parties to exercise preemptory challenges of 24 each. 8 rounds of 3 each.
Thurs - 6/15/95	Day 12	OPENING STATEMENT

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COMMON VOIR DIRE

1. What is your name?
2. [ Follow-up to selected questions from Questionnaire.]
3. Do any of you believe that the phrase "proof beyond a reasonable doubt" means that you must be convinced beyond any doubt whatsoever of the defendant's guilt before a guilty verdict may be returned?
4. Would any of you acquit the defendant even if convinced beyond a reasonable doubt of his guilt because you felt sympathy for him or felt he deserved a break?
5. Have any of your religious or philosophical beliefs which you feel may preclude you from reaching a verdict of guilty in the event that the evidence establishes the guilt of the defendant beyond a reasonable doubt?
6. Would any of you prefer not to serve on this jury because you feel having to make a decision , either of guilt or innocence, in this case would be too difficult?
7. I know it is not a particularly pleasant thing to find another person guilty of committing a crime. Do any of you feel that even if the evidence established the defendant's guilt beyond a reasonable doubt, you might not be able to render a guilty verdict for reasons unrelated to the law and the evidence.
8. Do you understand that if there is conflicting testimony during the trial about certain facts, that it is your task to try and resolve the conflict and decide which fact or facts deserve to be believed or disbelieved?

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INDIVIDUAL VOIR DIRE

1. Is there any reason, whether as a matter of moral or religious or philosophical belief, as a matter of conscience or personal belief, or any reason, why you would never vote to impose the death penalty under any circumstances following the procedure I have described to the group?
2. Assuming you are a juror and the jury has found the defendant guilty, the government has offered evidence of what it considers are the aggravating circumstances which make the offense worse and the defendant has had the opportunity to put in evidence of what it considers are the mitigation circumstances that should persuade the jury not to impose the death penalty, you have heard the lawyers final argument and the jury is again deliberating and it now comes time to vote and you have a choice to vote to impose or not impose the death penalty-would you always vote to impose the death penalty?
3. The defendant is black-
  - a. Do any of you have any attitude towards black people that might prevent you from giving the defendant a fair trial?
  - b. Have any of you had any experience with a member of any race, creed or color other than your own which resulted in any kind of confrontation?
  - c. Have any of you had any experience at your place of employment or at school or at your residence which makes you feel you could not fairly judge a person of a different race, color or creed?
  - d. Do any of you feel you have any prejudices or feelings against persons of another race, color or creed so that you could not fairly consider and decide this case on the evidence?
4. Has any past experience of any of you in any way caused doubt of your ability to sit as an impartial juror?

5. Is there any reason at all why you think that you might in any way be unfair or partial to either the government or to the defendant in this case?
6. Would any of you like to tell me or the lawyers anything about your serving?